

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

La Unión del Pueblo Entero, *et al.*,

*Plaintiffs,*

v.

State of Texas, *et al.*,

*Defendants.*

Case No. 5:21-CV-844-XR  
(consolidated cases)

**PRIVATE PLAINTIFFS' MOTION FOR STATUS CONFERENCE**

The Private Plaintiffs in these consolidated cases respectfully move for a status conference on or before August 24, 2023 for the Court to provide guidance on the impact of its recent Summary Order, which will assist Plaintiffs in assessing what witness testimony will be helpful to the Court in resolving issues still in dispute in the litigation.

1. As the Court is aware, this matter consolidates various challenges to a Texas election law known as S.B.1 brought by individuals, organizations, and the United States.

2. Throughout August 2023, Plaintiffs and Defendants filed pretrial disclosures and responded and objected to other parties' pretrial disclosures. The number of Plaintiffs, Defendants, and the consolidated nature of this proceeding has made these tasks far more complicated than in most other federal civil litigation.

3. On August 17, 2023, the Court issued a Summary Ruling on Section 101 Materiality Claims and Order on Pretrial Filings. (ECF No. 724.) The ruling – following upon an advisory by the United States, the OCA Plaintiffs, and the Intervenor-Defendants that their Section 101 claims could be resolved on summary judgment – is predicated on a representation that the Court's pretrial ruling on materiality claims could streamline issues to be tried. (*See id.* at 2.) The Court granted the United States and the OCA Plaintiffs' motions for summary judgment on their

materiality claims as to sections 5.07 and 5.13 of SB 1 but stated that “[a] written order awarding the declaratory and injunctive relief as to Sections 5.07 and 5.13 of S.B. 1 requested [in the United States’ motion] will follow.” (*Id.* at 6.) Thus, the Private Plaintiffs remain unclear as to the current status of sections 5.07 and 5.13 of SB 1, which they have challenged on other grounds in this consolidated litigation. As the Private Plaintiffs cull down their witness list in response to the Court’s ruling, they seek guidance on the Court’s expectations as to what remaining claims against 5.07 and 5.13 should be included in this phase of trial.

4. On August 18, 2023, Plaintiffs moved for extension of time to file the Joint Pretrial Order, requesting a due date of August 25, 2023 in light of the Court’s Summary Ruling on Section 101 Materiality Claims and Order on Pretrial Filings and the Court’s renewed instruction to review carefully and cull witness lists. (ECF No. 727.)

5. As of the date of this Motion, Plaintiffs’ request for extension of time remains pending before the Court.

6. Plaintiffs hereby request a short status conference (under an hour) before August 25, 2023, the deadline for their advisory indicating the witnesses they expect to call so that the parties appropriately frame their submission based what claims remain in the litigation.

Pursuant to Local Rule CV 7.G, Private Plaintiffs advise the Court that counsel for the parties conferred on August 21, 2023 in a good-faith attempt to resolve the matter by agreement. Private Plaintiffs certify that State Defendants, Intervenor-Defendants, and County Defendants are unopposed to this request for a status conference. Defendants Harris County, Hidalgo County, Travis County, and Kim Ogg did not respond with their position by the time of filing. The United States takes no position on the motion.

## CONCLUSION

For the above reasons, Plaintiffs respectfully ask the Court to set a status conference expected to last under an hour on or before August 24, 2023.

Dated: August 21, 2023

Courtney Hostetler  
Ron Fein  
John Bonifaz  
Ben Clements  
FREE SPEECH FOR THE PEOPLE  
1320 Centre Street, Suite 405  
Newton, MA 02459  
(617) 249-3015  
chostetler@freespeechforpeople.org  
rfein@freespeechforpeople.org  
jbonifaz@freespeechforpeople.org  
bclements@freespeechforpeople.org

Elijah Watkins  
STOEL RIVES LLP  
101 S. Capital Boulevard, Suite 1900  
Boise, ID 83702  
Telephone: (208) 389-9000  
elijah.watkins@stoel.com

Bradley Prowant  
John Katuska  
STOEL RIVES LLP  
33 S. Sixth Street, Suite 4200  
Minneapolis, MN 55402  
Telephone: (612) 373-8800  
(612) 373 8863  
bradley.prowant@stoel.com  
john.katuska@stoel.com

Whitney A. Brown  
STOEL RIVES LLP  
510 L Street, Suite 500  
Anchorage, AK 95501  
Telephone: (907) 263-8413  
whitney.brown@stoel.com

Respectfully Submitted,

/s/ J. Michael Showalter  
J. Michael Showalter  
ARENTFOX SCHIFF LLP  
South Wacker Drive, Suite 7100  
Chicago, IL 60606  
j.michael.showalter@afslaw.com  
Tel: (312) 258-5561

Eitan Berkowitz  
Derek Ha  
(applications for admission forthcoming)  
ARENTFOX SCHIFF LLP  
44 Montgomery St., 38th Floor  
San Francisco, CA 94104  
eitan.berkowitz@afslaw.com  
derek.ha@afslaw.com  
Tel: (415) 757-5500

Jennifer A. Holmes\*  
NAACP LEGAL DEFENSE AND  
EDUCATIONAL FUND, INC.  
700 14th Street N.W. Suite 600  
Washington, DC 2005  
jholmes@naacpldf.org  
Tel: (202) 683-1300

Victor Genecin\*  
Amir Badat\*  
Breanna Williams\*  
NAACP LEGAL DEFENSE AND  
EDUCATIONAL FUND, INC.  
40 Rector Street, 5th Floor  
New York, NY 10006  
Telephone: (212) 965-2200  
Facsimile: (212) 226-7592  
vgenecin@naacpldf.org

*Counsel for Plaintiffs Mi Familia Vota,  
Marla López, Marlon López, and Paul  
Rutledge (“MFV Plaintiffs”)*

/s/ Zachary Dolling

Zachary Dolling  
Texas Bar No. 24105809  
Hani Mirza  
Texas Bar No. 24083512  
Sarah Chen\*  
California Bar No. 325327  
Veronikah Warms\*  
Texas Bar No. 24132682  
TEXAS CIVIL RIGHTS PROJECT  
1405 Montopolis Drive  
Austin, TX 78741  
512-474-5073 (Telephone)  
512-474-0726 (Facsimile)  
zachary@texascivilrightsproject.org  
hani@texascivilrightsproject.org  
schen@texascivilrightsproject.org  
veronikah@texascivilrightsproject.org

Thomas Buser-Clancy  
Texas Bar No. 24078344  
Edgar Saldivar  
Texas Bar No. 24038188  
Savannah Kumar  
Texas Bar No. 24120098  
Ashley Harris  
Texas Bar No. 24123238  
ACLU FOUNDATION OF TEXAS, INC.  
5225 Katy Freeway, Suite 350  
Houston, TX 77007  
Telephone: (713) 942-8146  
Fax: (915) 642-6752  
tbuser-clancy@aclutx.org  
esaldivar@aclutx.org  
skumar@aclutx.org  
aharris@aclutx.org

Adriel I. Cepeda Derieux\*  
Ari Savitzky\*  
Sophia Lin Lakin\*

abadat@naacpldf.org  
bwilliams@naacpldf.org

Kenneth Broughton  
Texas Bar No. 03087250  
J. Keely Pippin  
Texas Bar No. 24116306  
REED SMITH LLP  
811 Main Street  
Suite 1700  
Houston, TX 77002  
kbroughton@reedsmith.com  
kpippin@reedsmith.com  
Tel: (713) 469-3819

Sarah Cummings Stewart  
Texas Bar No. 24094609  
Reed Smith LLP  
2850 N. Harwood Street, Suite 1500  
Dallas, TX 75201  
Telephone: (469) 680-4200  
Facsimile: (469) 680-4299  
sarah.stewart@reedsmith.com

Shira Wakschlag\*  
The Arc of the United States, Inc.  
1825 K Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 534-3708  
Facsimile: (202) 534-3731  
Wakschlag@thearc.org

*Counsel for Plaintiffs Houston Area Urban  
League; Delta Sigma Theta Sorority, Inc;  
The Arc of Texas; and Jeffrey Lamar  
Clemmons (“HAUL Plaintiffs”)*  
*\*admitted pro hac vice*

/s/ Uzoma N. Nkwonta

Uzoma N. Nkwonta\*  
Christopher D. Dodge\*  
Noah B. Baron\*  
Michael B. Jones\*  
Elena A. Rodriguez Armenta\*  
Daniela Lorenzo\*  
Marcos Mocine-McQueen\*

Dayton Campbell-Harris  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad St., 18th Floor  
New York, NY 10004  
(212) 284-7334  
acedadaderieux@aclu.org  
asavitzky@aclu.org  
slakin@aclu.org  
dcampbell-harris@aclu.org

Susan Mizner\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
39 Drumm St.  
San Francisco, CA 94111  
(415) 343-0781 (phone)  
smizner@aclu.org

Brian Dimmick\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
915 15<sup>th</sup> St. NW  
Washington, DC 20005  
(202) 731-2395 (phone)  
bdimmick@aclu.org

LUCIA ROMANO  
Texas State Bar No. 24033013  
PETER HOFER  
Texas State Bar No. 09777275  
CHRISTOPHER MCGREAL  
Texas State Bar No. 24051774  
DISABILITY RIGHTS TEXAS  
2222 West Braker Lane  
Austin, Texas 78758-1024  
(512) 454-4816 (phone)  
(512) 454-3999 (fax)  
lromano@drtx.org  
phofer@drtx.org  
cmcgregal@drtx.org

Jerry Vattamala\*  
Susana Lorenzo-Giguere\*  
Patrick Stegemoeller\*  
ASIAN AMERICAN LEGAL DEFENSE

Marisa A. O’Gara\*  
Omeed Alerasool\*  
ELIAS LAW GROUP LLP  
250 Massachusetts Avenue NW, Suite 400  
Washington, D.C. 20001  
Telephone: (202) 968-4490  
unkwonta@elias.law  
cdodge@elais.law  
nbaron@elias.law  
mjones@elias.law  
erodriguezarmenta@elias.law  
dlorenzo@elias.law  
mmcqueen@elias.law  
mogara@elias.law  
oalerasool@elias.law

*Counsel for Texas LULAC, Voto Latino,  
Texas AFT, and Texas Alliance for Retired  
Americans (“LULAC Plaintiffs”)*

*\*admitted pro hac vice*

AND EDUCATION FUND  
99 Hudson Street, 12th Floor  
New York, NY 10013  
(212) 966-5932 (phone)  
(212) 966 4303 (fax)  
jvattamala@aaldef.org  
slorenzo-giguere@aaldef.org  
pstegemoeller@aaldef.org

Jessica Ring Amunson\*  
Alyssa G. Bernstein\*  
JENNER & BLOCK LLP  
1099 New York Ave. NW, Suite 900  
Washington, DC 20001  
(202) 639-6000  
jamunson@jenner.com  
abernstein@jenner.com

Gregory D. Washington\*  
JENNER & BLOCK LLP  
455 Market St. Suite 2100  
San Francisco, CA 94105  
gWASHINGTON@jenner.com

*Counsel for League of Women Voters of  
Texas, OCA-Greater Houston, and  
REVUP-Texas (“OCA Plaintiffs”)*  
*\*admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2023, a true and correct copy of the foregoing document was filed via the CM/ECF system and all counsel of record were served electronically.

/s/ J. Michael Showalter

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